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5 Attorneys for Mr. Isaac Navarro-Lomeli

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE L. JAMES LORENZ)

(HONORABLE L. JAMES LORENZ)

11 UNITED STATES OF AMERICA,) Case No. 08CR0091-L
12 Plaintiff,)
13 v.) DATE: June 9, 2008
14 ISAAC NAVARRO-LOMELI,) TIME: 10:00 a.m.
15 Defendant.)
16) NOTICE OF MOTIONS IN LIMINE AND
17) MOTINS IN LIMINE:
18)
19) 1) EXCLUDE EXPERT TESTIMONY ON THE
20) STREET VALUE OF MARIJUANA;
21) 2) EXCLUDE EXPERT TESTIMONY ABOUT
22) THE STRUCTURE OF DRUG
23) ORGANIZATIONS;
24) 3) EXCLUDE EVIDENCE OF ALLEGED
25) "NERVOUSNESS" BY DEFENDANT;
26) 4) EXCLUDE ACTUAL BAGS OF MARIJUANA
27) FROM THE COURTROOM;
28) 5) PREVENT A COPY OF THE INDICTMENT
|| FROM BEING SUBMITTED DURING
| DELIBERATIONS;
| 6) EXCLUDE ANY 404(B) OR 609 EVIDENCE
| AS IMPROPER NOTICE HAS BEEN GIVEN;
| 7) EXCLUDE EVIDENCE OF "MUG SHOT"
| PHOTOS;
| 8) EXCLUDE POVERTY EVIDENCE;
| 9) PROHIBIT VOUCHING BY PROSECUTION;
| AND
| 10) ALLOW ATTORNEY-CONDUCTED VOIR
| DIRE.
| 11) EXCLUDE MR. NAVARRO-LOMELI'S
| VIDEOTAPED STATEMENTS BECAUSE ITS
| ADMISSION VIOLATES THE
| CONFRONTATION CLAUSE AND INVADES
| THE PROVINCE OF THE JURY.
| 12) PREVENT THE GOVERNMENT FROM
| PRESENTING FRAGMENTED PORTIONS OF
| MR. NAVARRO-LOMELI'S POST-ARREST
| STATEMENTS OUT OF CONTEXT

1 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY
2 AARON B. CLARK, ASSISTANT UNITED STATES ATTORNEY

3 **PLEASE TAKE NOTICE** that on June 9, 2008 at 10:00 a.m. or as soon thereafter as counsel may
4 be heard, Isaac Navarro-Lomeli, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of
5 San Diego, Inc., will ask this Court to enter an order granting the following motions in limine.

6 **MOTIONS**

7 Isaac Navarro-Lomeli, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San
8 Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other
9 applicable statutes, case law and local rules, hereby moves this Court for an order to:

- 10 1) Exclude Expert Testimony on the Street Value of Marijuana;
- 11 2) Exclude Expert Testimony about the Structure of Drug Organizations;
- 12 3) Exclude Evidence of Alleged "Nervousness" by Defendant;
- 13 4) Exclude Actual Bags of Marijuana from the Courtroom;
- 14 5) Prevent a Copy of the Indictment from Being Submitted During Deliberations;
- 15 6) Exclude Any 404(b) or 609 Evidence as Improper Notice Has Been Given;
- 16 7) Exclude Evidence of "Mug Shot" Photos;
- 17 8) Exclude Poverty Evidence;
- 18 9) Prohibit Vouching by Prosecution; and
- 19 10) Allow Attorney-conducted Voir Dire.
- 20 11) Exclude Mr. Navarro-Lomeli's Videotaped Statements Because its Admission Violates the
21 Confrontation Clause and Invades the Province of the Jury.
- 22 12) Prevent the Government from Presenting Fragmented Portions of Mr. Navarro-Lomeli's Post-
23 arrest Statements out of Context

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These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

/s/ Robert R. Henssler, Jr.

Dated: May 23, 2008

ROBERT R. HENSSLER JR.
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Navarro-Lomeli

6 | Dated: May 23, 2008

1 **CERTIFICATE OF SERVICE**
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3 Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his
4 information and belief, and that a copy of the foregoing document has been served this day upon:

5 **Aaron B Clark**
6 United States Attorney's Office
7 880 Front Street
8 Room 6293
9 San Diego, CA 92101
10 (619)557-6787
11 Fax: (619)235-2757
12 Email: aaron.clark@usdoj.gov
13
14

15 Dated: May 29, 2008

16 /s/ Robert R. Henssler
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